

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Donaghy	Team: Squad #2	CCRB Case #: 201904214	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/09/2019 3:30 PM	Location of Incident: 6th Avenue, between 51st Street and 52nd Street	Precinct: 18	18 Mo. SOL 11/9/2020	EO SOL 6/26/2021	
Date/Time CV Reported Thu, 05/16/2019 10:53 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/16/2019 10:53 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Martin Hayes	24820	947769	CW T TF

Officer(s)	Allegation	Investigator Recommendation
A.POM Martin Hayes	Abuse: Police Officer Martin Hayes refused to provide his name to § 87(2)(b)	
B.POM Martin Hayes	Abuse: Police Officer Martin Hayes refused to provide his shield number to § 87(2)(b)	

Case Summary

On May 16, 2019, § 87(2)(b) called the CCRB to report the following complaint.

At approximately 3:30 p.m. on May 9, 2019, § 87(2)(b) was driving a passenger in his taxi cab through midtown Manhattan. § 87(2)(b)'s passenger asked to be let out, and § 87(2)(b) pulled over into the second lane from the left on 6th Avenue between 51st Street and 52nd Street. After § 87(2)(b) passenger exited and walked away from the vehicle, Police Officer Martin Hayes approached § 87(2)(b) taxi on foot. Police Officer Hayes gave § 87(2)(b) a summons for an improper taxi drop-off (Board Review 01). § 87(2)(b) allegedly asked for Police Officer Hayes' name and badge number, but Police Officer Hayes stepped away from § 87(2)(b) taxi and left without replying to § 87(2)(b) (**Allegation A: Abuse of Authority – Refusal to provide name, § 87(2)(g)** (**Allegation B: Abuse of Authority – Refusal to provide shield number, § 87(2)(g)**

The investigation obtained surveillance footage from the UBS Building at 1285 6th Avenue in Manhattan (Board Review 02). The full video is attached to IA #57 (Board Review 03). A subclip of the relevant portion is attached to IA #45 (Board Review 04) and is summarized in IA #46 (Board Review 05).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Martin Hayes refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Martin Hayes refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on May 30, 2019. Police Officer Martin Hayes was interviewed on June 25, 2019.

It is undisputed that Police Officer Hayes gave § 87(2)(b) a summons at 3:30 p.m. on May 9, 2019. Police Officer Hayes confirmed that the summons was written by him and that his memo book documented this encounter (Board Review 06), but was otherwise unable to recall this incident. Police Officer Hayes stated that he has never refused to give his name and shield number to a civilian when asked for them. At the time of this incident Police Officer Hayes was working alone and was not assigned a Body-worn camera.

§ 87(2)(b) stated that after being handed the summons by Police Officer Hayes, he found that the writing was so faint that the officers' name was illegible. When § 87(2)(b) looked up, Police Officer Hayes was standing approximately two to three feet away from § 87(2)(b) driver's side window, but was looking away. § 87(2)(b) asked for Police Officer Hayes' name and shield number once. Police Officer Hayes did not give any physical indication that he had heard § 87(2)(b) question, and walked away without acknowledging or answering § 87(2)(b) Police Officer Hayes walked towards the rear of § 87(2)(b) taxi cab in the direction of another car behind § 87(2)(b) but § 87(2)(b) lost sight of Police Officer Hayes and Police Officer Hayes never returned to answer § 87(2)(b) question.

Surveillance footage from the UBS Building at 1285 6th Avenue in Manhattan captured what appears to be the incident, at the location and time that § 87(2)(b) reported. The clip that captures that incident is in IA #45 (Board Review 04) and is summarized in IA 46 (Board Review 05).

§ 87(2)(g); an officer approaches a taxi and then stands in front of it, walks to the window of the taxi, and appears to have a brief conversation with the taxi's driver. The officer then spends a minute and a half writing something on a pad. The officer then walks back up the driver's side window and a white object is seen being passed from the taxi driver to the officer, and then back from the officer to the taxi driver. The officer then walks away from the taxi cab, approaching another car that is parked behind the taxi. However, the video shows that less than a minute later the officer returns to the driver's side window of the taxi cab and has a ten second interaction with the taxi cab's driver.

Ultimately, the video does not have a high enough resolution to positively identify the officer or the taxi cab driver, and the lack of audio means it is impossible to know what was said between the figures in the video.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the 6th CCRB complaint to which § 87(2)(b) has been a party (Board Review 07).
 - § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- Police Officer Martin Hayes has been a member of service for 10 years and has been the subject of 12 allegations in 7 CCRB cases, none of which were substantiated. § 87(2)(g)
[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]

Squad No.: 2

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date